

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

IN RE: ARTHADIUS LA-EARL DUDLEY

CHAPTER 13

DEBTORS

CASE NO. 18-11634 JDW

MOTION TO INCUR NEW INDEBTEDNESS

COMES NOW, Arthadius Dudley (“Debtor”), by and through the undersigned attorney, and hereby requests he be allowed to incur new indebtedness, and in support thereof states as follows, to wit:

1. The Debtor filed this Chapter 13 Bankruptcy Case on April 26, 2018.
2. That an agreement between VW Credit and the Debtor was reached wherein a vehicle lease was rejected and the Debtor’s vehicle was abandoned from the estate by order of this Court on June 20, 2018 (Dkt. #18).
3. That VW Credit repossessed the vehicle on January 30, 2019, and the Debtor is now without adequate transportation.
4. This Motion to Incur New Indebtedness is necessary because Debtor is in need of dependable transportation for his job, which enables him to perform under the confirmed plan in this case.
5. The Debtor requests the Court’s approval to incur a new indebtedness in the amount of \$11,283.00 for the purchase of a 2011 BMW 535, with monthly payments of approximately \$185.00 to be made outside his plan. The Debtor further requests he be allowed to purchase a vehicle in a similar price range, but not more than \$11,500.00, should the 2011 BMW 535 not be available at the time the order sustaining this motion is entered.

WHEREFORE, Debtor moves for an Order allowing him to incur new indebtedness of

\$11,283.00 to purchase a 2011 BMW 535, with all payments to be made outside the plan. Further, if said vehicle is not available, the Debtor requests he be allowed to incur financing of not more than \$11,500.00 to purchase a vehicle.

Respectfully submitted, this the 31st day of January, 2019.

RESPECTFULLY SUBMITTED,

/s/Robert H. Lomenick
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ROBERT H. LOMENICK, JR., MSB 104186
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CERTIFICATE OF SERVICE

I, Robert H. Lomenick, Attorney for Debtor, do hereby certify that I have this day mailed, via electronic delivery or postage prepaid, a true and correct copy of the above and foregoing Motion To Incur New Indebtedness to the following:

Locke D. Barkley, Chapter 13 Trustee, via ECF: sbeasley@barkley13.com

U. S. Trustee, via ECF: USTPRegion05.AB.ECF@usdoj.gov

and all creditors on the attached matrix.

This the 31st day of January, 2019.

/s/Robert H. Lomenick
ROBERT H. LOMENICK